

THIRD DIVISION

[CA-G.R. CR No. 36245, February 25, 2015]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
LUZVIMINDA PUTOL Y NAVALES, ACCUSED-APPELLANT.**

DECISION

REYES-CARPIO, A., J.:

This is an Appeal,^[1] filed under Rule 122 of the 2000 Revised Rules of Criminal Procedure, seeking the reversal of the Joint Decision,^[2] dated November 28, 2013, rendered by the Regional Trial Court of Cavite City, Branch 88 in Criminal Case Nos. 182-10 and 183-10, entitled "People of the Philippines vs. People vs. Luzviminda Putol y Navales."

THE CASE

In two (2) separate Informations,^[3] dated June 21, 2010, accused-appellant Luzviminda Putol was charged with possession and sale of illegal drugs under Republic Act No. 9165 committed as follows:

Criminal Case No. 182-10 for violation of Article II, Section 11 –

"That on or about the 20th day of June 2010, in the Municipality of Rosario, Province of Cavite, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, not being authorized by law, did, then and there, willfully, unlawfully and feloniously have in her possession, control and custody 0.92 gram of Methamphetamine Hydrochloride, commonly known as 'Shabu' a dangerous drugs (sic), which is in Violation of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

CONTRARY TO LAW."^[4]

Criminal Case No. 183-10 for violation of Article II, Section 12 –

"That on or about the 20th day of June 2010, in the Municipality of Rosario, Province of Cavite, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, not being authorized by law, did, then and there, willfully, unlawfully and feloniously have in her possession, control and custody twenty three (23) transparent plastic, one (1) plastic sachet containing twenty (20) pcs rolled aluminum foil, one (1) (sic) pcs (sic) empty transparent plastic, considered under Section 12, RA 9165 as an equipment, instrument, apparatus or paraphernalia fit or intended for smoking, consuming or introducing dangerous drugs into the body, in violation of the said provisions of

Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

CONTRARY TO LAW.”^[5]

Upon arraignment, accused-appellant entered a plea of “not guilty.”^[6]

PROSECUTION'S VERSION

On June 20, 2010, at around 6:00 o'clock in the morning, SPO4 Ruben Peñaflor and SPO2 Ian Sagucio went to Barangay Tramo, Tejeros Convention, Rosario, Cavite to serve an arrest warrant^[7] upon Rovic O. Llamas, Carlito A. Pansio and accused-appellant Luzviminda N. Putol for violation of Article II, Section 14 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

When the officers approached the residence of accused-appellant, they noticed that the door was open and from less than a meter away,^[8] they saw a man and a woman seated on the floor inside the house with a blanket covering their laps.^[9] The officers observed that both of them were holding plastic sachets containing white crystalline substance.^[10] On the suspicion that the said substance was actually methamphetamine hydrochloride (shabu), the officers entered the house and arrested the man and woman who were later identified as Narciso Corporal and accused-appellant Luzviminda Putol.^[11]

PO4 Peñaflor confiscated the sachet held by accused-appellant and found out that there were ten (10) smaller sachets inside.^[12] She also had a purse on her lap and upon opening the same, PO4 Peñaflor discovered an additional thirteen (13) plastic sachets containing the same white substance as well as aluminum foil and money in the amount of P800.00 inside another plastic sachet.^[13] Another empty plastic sachet was also confiscated from accused-appellant.^[14]

Meanwhile, PO2 Sagucio confiscated the sachet held by Corporal which, in turn, contained eight smaller packets of the white substance.^[15] Along with it, Corporal possessed a camera bag containing ten (10) more sachets of the powder.^[16]

Upon asking for their names, the officers found out that the woman was accused-appellant Luzviminda Putol and thereafter informed her about the pending warrant for her arrest.^[17]

They proceeded to the police station where SPO4 Peñaflor marked the confiscated items, and listed in the Certificate of Inventory^[18] the following items:

- “1) Twenty three (23) transparent plastic sachet containing suspected shabu w/ markings 'LP-1 to LP-23.'
- 2) One (1) plastic sachet containing 20 pcs rolled aluminum foil w/markings 'LNP'
- 3) One (1) small clutch bag w/markings 'LNP'
- 4) Three (3) pcs P100.00 bill w/markings 'LP-1, LP-2, LP-3'
- 5) Four (4) pcs P50.00 bill w/markings 'LP-4 to LP-7'

- 6) Fifteen (15) pcs P20.00 bill w/marking 'LP-8 to LP-22'
- 7) Two (2) pcs empty transparent plastic sachet w/markings 'LP-1 & LP-2'"[19]

Photographs^[20] of the evidence were also taken during the preparation of the Certificate of Inventory. A Spot Report,^[21] dated June 20, 2010, was also prepared and forwarded to the Philippine Drug Enforcement Agency (PDEA). Further, a Request for Laboratory Examination,^[22] executed by the Chief of Police of Rosario, Cavite, was delivered by SPO4 Peñaflor to the PNP Crime Laboratory which received the same at 10:00 o'clock in the morning of the same day. The request was delivered together with the twenty-three (23) sachets confiscated from accused-appellant.

At noon of June 10, 2010, the forensic chemist, Police Senior Inspector Oliver Dechitan, conducted the tests on the specimens which yielded the following results as indicated in Chemistry Report No. D-165-10:^[23]

"FINDINGS:

Qualitative examination conducted on the above-stated specimens A-1 through A-23 gave **POSITIVE** result to the tests for the presence of **METHAMPHETAMINE HYDROCHLORIDE**, a dangerous drug.

X-X-X

X-X-X

X-X-X

CONCLUSION:

Specimens A-1 through A-23 contain METHAMPHETAMINE HYDROCHLORIDE, a dangerous drug.

X-X-X

X-X-X

X-X-X

REMARKS:

The original copy of this report together with the specimen submitted is retained in this Laboratory for reference. x-x-x"

In support of its allegations, the prosecution offered the respective testimonies of the arresting officers, PO4 Ruben Peñaflor and PO2 Ian Sagucio. To corroborate the witnesses' testimonies, the following were also proffered into evidence: (1) the Request for Laboratory Examination, dated June 10, 2010; (2) Chemistry Report No. D-165-10; (3) the twenty-three (23) sachets confiscated from the accused-appellant; (4) the Affidavit of Arrest^[24] executed by SPO4 Peñaflor and SPO2 Sagucio; (5) the warrant of arrest sought to be implemented by the officers when they chanced upon accused-appellant; (6) the money and sachet containing the aluminum foil; (7) Certificate of Inventory; (8) Spot Report; and (9) the Inquest Report.^[25]

VERSION OF THE DEFENSE

The defense, meanwhile, offered the testimony of accused-appellant. According to

her, on the morning of June 20, 2010, she was at home with her common-law partner Narciso Corporal^[26] when the door of her house was pushed open and the police officers barged into her house.^[27] SPO4 Peñaflor proceeded to search her house without informing her what he was looking for.^[28] While SPO4 Peñaflor conducted his search, accused-appellant and Corporal were asked to sit on one side.^[29] After about fifteen (15) to twenty (20) minutes of searching, accused-appellant and Corporal were taken to the police station.^[30]

Accused-appellant denied that the officers recovered the drugs and paraphernalia allegedly in her possession.^[31] Accused-appellant further claimed that the said evidence was planted by the police officers but that there was no attempt to extort money on the part of the latter.

FINDINGS OF THE TRIAL COURT

After weighing the evidence presented before it, the trial court rendered the appealed Joint Decision,³² dated November 28, 2013, ruling in this wise:

“WHEREFORE, in Criminal Case No. 182-10, this Court finds accused **Luzviminda N. Putol guilty beyond reasonable doubt** of violating Section 11, Article II of Republic Act 9165 otherwise known as Comprehensive Dangerous Drugs Act of 2002 for having in her possession 0.92 gram of Methamphetamine Hydrochloride, a dangerous drug, and hereby sentences her to an indeterminate penalty of **12 years and 1 day to 15 years of imprisonment and to pay a fine in the amount of P300,000.00.**

In Criminal Case 183-10, this Court also finds accused **Luzviminda N. Putol guilty beyond reasonable doubt** of violating Section 12, Article II of Republic Act 9165 otherwise known as Comprehensive Dangerous Drugs Act of 2002 for having in her possession 20 pieces rolled aluminum foil, two empty transparent plastic sachet considered as equipment or paraphernalia intended for smoking, consuming or introducing dangerous drugs into the body and hereby sentences her to a straight penalty of **one (1) year imprisonment and to pay a fine of P10,000.00.**

In Criminal Cases No. 184-10 and 185-10, accused **Narciso Corporal y Asombrado** is hereby **ACQUITTED** for lack of evidence.

SO ORDERED.”^[33]

Hence, this appeal.

ASSIGNMENT OF ERRORS

Accused-appellant assigns the following errors on the part of the trial court:

I.

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME